

Iowa Criminal and Juvenile Justice Plan

1997 Update

Multi-Year Goals

Sentencing Reform

Incarceration Rate of African-Americans

Domestic Violence

Prison Population Forecast

Juvenile Crime & Responses to Violent Youth

Runaways

CJJP Division of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights

February, 1997

Iowa Criminal and Juvenile Justice Plan -- 1997 Update

ABOUT THIS REPORT

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range system goals, special issue planning recommendations and research findings. CJJP's 1997 response to its reporting requirement is different from past years. Rather than issuing one large document containing many separate reports, single-issue 1997 Update reports now are being made available based on reader interest and need. It is hoped this approach to disseminating CJJP research and planning reports will be more cost effective and more responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

On the cover of this document is a listing of various topics that are the subjects of separate CJJP reports issued in February, 1997. To receive other 1997 reports, please contact CJJP as indicated below.

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

Reports on the issues listed below are being issued through CJJP's 1997 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC).

- **Multi-Year Goals****
- **Sentencing Reform***
- **Incarceration Rate of African Americans***
- **Domestic Violence***
- **Prison Population Forecast**
- **Juvenile Crime & Responses to Violent Youth**
- **Runaways****

Note: Single asterisk reports include recommendations developed and approved by the CJJPAC. Double asterisk reports include recommendations developed and approved by the CJJPAC and the JJAC.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1997 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: "Sentencing Reform"
"Incarceration Rate of African Americans"
"Domestic Violence"

Dave Kuker: "Runaways"
"Juvenile Crime and Responses to Violent Youth"

Lettie Prell: "Sentencing Reform"
"Prison Population Forecast"
"Juvenile Crime and Responses to Violent Youth"

Laura Roeder: "Prison Population Forecast"
"Juvenile Crime and Responses to Violent Youth"

TO RECEIVE ADDITIONAL CJJP 1997 UPDATE REPORTS

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, Iowa 50319

Phone: 515-242-5823
Fax: 515-242-6119
email: cjjp@max.state.ia.us

AVAILABILITY OF RELATED REPORTS:

Several reports were prepared to assist CJJP complete their 1997 Update reports. They contain much information not included in CJJP's 1997 Update materials. To receive copies of the below listed reports, contact CJJP as described above.

- "A Survey of Juvenile & Criminal Justice Personnel: Services for Runaways and Serious Violent Juvenile Offenders," Michael J. Leiber, University of Northern Iowa, 1996.
- "Summary Report -- Preliminary Findings from the Midwest Homeless and Runaway Adolescent Project," Les B. Whitbeck, Iowa State University, 1996.
- "Responding to Runaways in Iowa: A Discussion of Relevant Laws and Services," Dave Kuker, CJJP, 1996.

STUDY ISSUE: DOMESTIC VIOLENCE

When selecting study areas for its FY 97 activities, the CJPAC directed staff to provide information to describe various state-wide programs and initiatives that were designed to improve Iowa's responses to domestic violence. What follows is a brief overview of such initiatives and their activities.

STATEWIDE PROGRAMS AND INITIATIVES

Crime Victim Assistance Division, Iowa Department of Justice (CVAD)

Established in 1990, this unit of the Iowa Attorney General's Office is responsible for administering Iowa's Victim Services Grant Program. This program is supported with funding from:

- Victims of Crime Act (federal funds)
- Family Violence Prevention & Services Act (federal funds)
- Domestic Abuse fund (state appropriation)
- Rape Crisis funds (state appropriation)
- Domestic Abuse Hotline funds (state appropriation)

Through these grant programs, CVAD provides local community agencies with what is typically their main source of funding with which to support domestic violence shelters, safe homes, crisis intervention, counseling, advocacy and other services. Grants are awarded annually through a competitive process. Currently, 36 domestic violence service community agencies are providing services to domestic violence victims through CVAD funding.

CVAD is also responsible for the administration of Iowa's Crime Victim Compensation Program, a state fund generated from criminal fines and penalties. This program provides monetary compensation directly to crime victims, including victims of domestic abuse. CVAD also administers the Sexual Abuse Examination Program to pay the costs of evidentiary examinations in crimes of sexual abuse. Funds for this program come from Compensation Program funds.

Iowa Code Section 912.2A establishes a ten member Crime Victim Assistance Board to oversee the activities of the CVAD and to otherwise provide guidance to the state's victim service programs. CVAD issues an annual report including detailed information about their programs, grant recipients and other information describing their public awareness, training and other activities.

Iowa Batterers' Education Program, Iowa Department of Corrections

In 1991, a law was passed requiring all persons convicted of domestic abuse to participate in an education program designed to prevent future abusive behavior. The Iowa Department of Corrections was charged with coordinating the policies and practices of the Batterers' Education Programs (BEP) provided by each of Iowa's eight Judicial District Departments of Correctional Services. The Districts' programs are funded through fees charged to the participants and also have been supported with federal grant funds administered by the Iowa Governor's Alliance on Substance Abuse.

There are thirty-seven providers of BEP; some are housed within the District Departments of Correctional Services, while others operate through contracts with the District Departments. A Statewide BEP Steering Committee was formed to serve in an advisory role to the Department of Corrections and the Districts. This committee meets regularly to identify issues and make recommendations for improvements in BEP and related justice system responses to domestic abuse.

In 1996, an "Evaluation of the Batterer's Education System and Process" report was issued. This report provides the findings of a research project conducted by CJPJ with funding from the Department of Corrections and the Governor's Alliance on Substance Abuse and with the guidance of the statewide BEP Steering Committee. Included in this report is an overview description of the BEP program and research findings regarding the operation and effectiveness of the BEP program. Also included is information describing how law enforcement, prosecutors and court officials are responding to domestic abuse and how such justice system officials' policies and practices affect the BEP program.

Domestic Abuse Intervention Coordinator, Iowa Judicial Department

In 1994, the Iowa Supreme Court issued a report, "Communities' Response to Domestic Violence," containing over seventy recommendations designed to strengthen and improve responses to domestic violence in Iowa. To assist with the implementation of these recommendations, a domestic abuse intervention coordinator position was established within the State Court Administrator's Office. Since 1995, this individual has been working with the judges and other justice system officials in communities across the state to establish or strengthen local coalitions, to increase awareness of domestic abuse issues and to examine and improve court-related domestic abuse policies and practices.

STOP Violence Against Women Coordinating Council, Iowa Governor's Alliance on Substance Abuse (GASA)

This council, chaired by Lieutenant Governor Joy Corning, was established in 1995 in compliance with the requirements of a new federal Violence Against Women Grant Program created within the 1994 Federal Crime Bill.

The council serves in an advisory role to GASA as it administers the federal grant funds available through the new Act to support programs that combat domestic abuse and other forms of violence against women.

Through a competitive process, GASA awards the federal funds to local or state projects whose goals are consistent with program priority purpose areas identified by the council. Fifteen projects were awarded grants with FFY 95 funding. An increase in FFY 96 funds resulted in grants being awarded to 51 projects currently underway.

GASA also administers federal funds available through the Edward Byrne Memorial Formula Grant Program to support a wide variety of drug control and justice system improvement efforts. The Iowa Prevention and Education Policy Council/Drug and Violent Crime Policy Board provides advisory oversight to Iowa's use of this grant. Historically, GASA has provided a small portion of these funds to support domestic abuse intervention programs and initiatives (which includes the Batterer's Education Program).

The STOP Violence Against Women Coordinating Council meets regularly to identify issues and develop recommendations to coordinate and otherwise improve initiatives, policies and services that impact on victims of violence against women. A report issued by GASA, "Iowa's STOP Violence Against Women Strategy -- 1996," contains information about the grant program funds and presents detailed Coordinating Council findings and recommendations regarding domestic abuse policies and practices.

RECOMMENDATIONS FOR IOWA'S RESPONSE TO DOMESTIC ABUSE

Since Iowa's Domestic Abuse Act was enacted in 1989, few sessions of the Iowa General Assembly have occurred without the enactment of policy or program changes affecting Iowa's response to domestic violence -- changing the definition of domestic abuse, enacting new penalties, establishing additional victim or offender oriented programs, structuring new procedures and requirements for arrests, prosecution and no-contact and custody orders, creating new sources of revenue for victim assistance, mandating and supporting training programs for system officials, establishing special reporting and data collection efforts, and more. Despite all these changes, concerns over Iowa's response to domestic violence continue to be voiced by system officials, victim service agencies, victims and others.

Each of the statewide initiatives described above has included the development and implementation of recommendations meant to improve Iowa's current situation. In

addition to these state government initiatives, a number of associations and coalitions exist which are either specifically devoted to domestic violence issues or which have an interest in Iowa's domestic abuse policies and system responses.

The Iowa Coalition Against Domestic Violence (a coalition largely comprised of domestic abuse service provider agencies) has a long tradition of examining responses to domestic violence in Iowa and advocating for improvements. The Iowa Coalition Against Sexual Assault, the Iowa Organization for Victim Assistance and the Organization of Criminal Justice Victim Advocates regularly voice support for improving Iowa's response to domestic abuse. Similarly, the Iowa Commission on the Status of Women, the Iowa County Attorneys' Association and other government agencies and professional associations are regularly involved in efforts to identify and improve domestic abuse issues and concerns.

It was considered beyond the scope of this effort to attempt a comprehensive and detailed review of all domestic abuse-related initiatives, plans and policy and practice concerns.

It is assumed that numerous and sometimes conflicting proposals regarding domestic abuse will continue to surface in the future. To help guide responses to such proposals, the Criminal and Juvenile Justice Planning Advisory Council offers the following recommendations based on its review of current initiatives and the concerns they are attempting to address:

Increase public awareness/strengthen outreach efforts.

There is an ongoing need to make victims of domestic abuse individuals and families better aware of the nature and availability of legal procedures, services and support designed to help them end their victimization and provide for their immediate and ongoing safety.

Improve the training and practices of system officials and victim and offender service providers.

- There is a need for initial and ongoing training for officials and practitioners from law enforcement, prosecution, defense, courts, victim service agencies, corrections, BEP service agencies and others to:
 - * increase awareness of and adherence to relevant state and federal laws and rules;
 - * understand the growing body of knowledge on the dynamics of domestic violence and on how to apply such knowledge when interacting with victims, offenders, family members and other involved persons and organizations.
- Training approaches, manuals and curriculums, **and** policy and procedure manuals or agency/office protocols should be developed or reviewed and revised as needed to assure a responsiveness to:
 - * changes in relevant state and federal laws and rules;

- * the need for consistent law enforcement, prosecution, corrections and court practices regarding arrests, prosecutions, dispositions, no-contact orders, probation orders, revocations, etc.;
- * the need for consistent victim service agency referral, intake, termination and follow-up service practices; the same need applies to BEP;
- * the need for probation plans and BEP assessment and service delivery approaches that recognize and respond to varying characteristics of individual offenders and special populations;
- * the need for assessment, counseling and supportive services that recognize and respond to the varying needs of victims and their particular situations and to the unique needs of special populations (i.e., person with disabilities, southeast Asians, Latinos and African Americans).

Consider establishing a domestic abuse fatality review team.

A number of states have established procedures to assign a team of experts to review all cases of domestic abuse that result in the death of the victim. Such procedures can be designed to result in a body of knowledge that identifies areas within the states' (or given jurisdictions'), domestic abuse response model that warrant attention. Iowa currently uses such an approach in its child abuse response system.

Improve victim service accessibility and stability through the development of a statewide plan.

According to the "Iowa's STOP Violence Against Women Strategy -- 1996" report, "It is an understatement to say that domestic violence and rape crisis programs are severely underfunded and understaffed." This report goes on to describe concerns over the ability to provide victim services in all areas of the state and concerns over existing agencies' ability to meet the needs of victims in those areas that they do serve. In its 1990 Plan, the Criminal and Juvenile Justice Planning Advisory Council recommended a concentrated state-wide planning effort to develop a strategy that would assure equitable victim service availability across the state. Funding for victim services has increased significantly since that time and improvements in the state's victim service grant process have resulted in notable progress. However, concerns over service availability and stability remain:

- * While efforts continue to improve to provide timely services in rural areas of the state, in some cases, services may be as far as 50 to 100 miles from a victim's home;
- * It has been noted that only 15 county attorney offices employ a victim/witness coordinator to assist victims through the court system;
- * The current use of competitive grant mechanisms to fund local victim service agencies may not be facilitating a desired level of service stability from one year to the next;
- * The state's approach to centralizing the administration of victim service funds avoids a layer of bureaucracy between the funder and the provider; however, it also results, in some cases, in a reliance on private, not-for-profit agencies to

- fill funding gaps and identify and plan for local community needs without sufficient involvement or support from local community governments;
- * Compensation levels should be commensurate with recognition of the skills and demands placed upon victim service workers.

The STOP Violence Against Women Coordinating Council, together with the CVAD, the Iowa Coalition Against Domestic Violence, the Iowa Coalition Against Sexual Assault and others are planning to develop a statewide victim service plan for the year 2000. A workshop scheduled for the Spring of 1997 is planned to help local victim service providers develop long-range plans. Such efforts to develop a state-wide plan should be strongly supported. All state agencies and justice system organizations and associations should be encouraged to participate in this effort to comprehensively identify domestic abuse victim service needs and to reach consensus on ways to improve the availability, consistency and stability of this crucial component of Iowa's response to domestic abuse.

Assure coordinated community-specific policies and practices.

Ultimately, improvements to Iowa's response to domestic violence will need to take place at the local level. Justice system officials and service agency personnel sometimes experience conflicting philosophies, misunderstood or unclear policies or other forms of disconnectedness. Effective domestic abuse responses require close coordination of many key players and mutual understanding of many specific policies and practices.

It is strongly recommended that efforts to encourage community-specific coordination and planning, such as those promoted through the statewide initiatives discussed in the beginning of this report, be continued and strengthened. All justice system officials and service agencies are encouraged to become involved in such efforts and to examine their individual and collective responses to domestic abuse with the goal of identifying ways their respective activities and policies can be changed to improve the implementation and effectiveness of existing domestic abuse laws.

Assess system-wide impact of any proposed domestic abuse law changes.

There is a need to carefully identify and avoid unintended or unfunded state & local system impacts that could result from any proposed domestic abuse offense definition change, penalty enhancement, mandatory sentencing feature, new court function or procedure or other such policy or program change.

Staff Addendum

With one exception, the Criminal and Juvenile Justice Planning Advisory Council approved, through consensus, the content and recommendations of this report. During the final stage of the Council's review of this report, one Council member declined to approve the report until an additional and specific point of information was included. The full Council did not meet to review the additional information; it is provided below and is considered by staff as both a relevant and valuable addition to this report:

One of the primary problems with enforcement of domestic abuse laws is a lack of adequate communication and information-sharing between and among law enforcement agencies and the courts. Historically, there has been no mechanism for officials of one county to inform officials in other counties that a given defendant is subject to a no-contact order related to domestic abuse. Through the efforts of the Iowa Judicial Department's Domestic Violence Intervention Coordinator, a task force of judges, and the Department of Public Safety, this problem is being addressed. Standardized court orders have been developed and state information and communication systems are being adapted to assure that information of no-contact orders issued in one county are available to law enforcement officials in all other counties. This effort should be considered significant progress in Iowa's efforts to address domestic abuse.